

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI,  
#A0185087,

Plaintiff,

v.

MR. GARY B. KAPLAN, *et al.*,

Defendants.

CIVIL NO. 20-00522 LEK-RT

DISMISSAL ORDER

Before the Court is pro se prisoner Francis Grandinetti's ("Grandinetti") "Federal Complaint of Civil RICO and Law Enforcement Corruption." ECF No. 1. Grandinetti, who is currently incarcerated at the Halawa Correctional Facility ("HCF"), alleges that other inmates improperly saw his classification and housing status. *Id.* at PageID # 2. Grandinetti also alleges that he should be classified and housed differently. *Id.* Finally, Grandinetti complains about the intake procedures at HCF. *Id.* at PageID ## 1–3.

Grandinetti has accrued three strikes pursuant to 28 U.S.C. § 1915(g).<sup>1</sup> For more than fifteen years, this court has repeatedly told Grandinetti that he may not

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<sup>1</sup> See, e.g., *Grandinetti v. Iranon*, No. 96-cv-00101-RC-KFG (E.D. Tex.) (dismissing § 1983 complaint as frivolous on January 26, 1998); *Grandinetti v. Iranon*, No. 96-cv-00118 (E.D. Tex.) (dismissing § 1983 complaint as frivolous on July 20, 1998); *Grandinetti v. Bobby*

proceed without prepayment of the filing fee unless his pleadings plausibly show that he was in imminent danger of serious physical injury at the time that he brought this action.<sup>2</sup> *See Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007). Despite these repeated warnings, Grandinetti has continued to file actions without prepaying the filing fee or showing he was in imminent danger of serious physical injury, including more than sixty actions in this court during the last five years alone.<sup>3</sup>

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*Ross Group, Inc.*, No. 96-cv-00117-TH-WCR (E.D. Tex.) (dismissing § 1983 complaint as frivolous and for failure to state a claim on March 5, 1999); *Grandinetti v. U.S. Marshals Serv.*, No. 00-cv-00489 SOM-KSC (D. Haw.) (dismissing § 1983 complaint for failure to state a claim on August 1, 2000); *Grandinetti v. FTC Seg. Unit Staff*, 426 F. App'x 576, 576 (9th Cir. 2011) (affirming district court's dismissal under 28 U.S.C. § 1915(g)'s "three strikes" provision).

<sup>2</sup> *See, e.g., Grandinetti v. Stampfle*, No. 05-cv-00692-HG-LK (D. Haw.); *Grandinetti v. Moga-Rivera*, No. 06-cv-00095-DAE-LEK (D. Haw.); *Grandinetti v. Lingle*, No. 06-cv-00137-HG-LK (D. Haw.); *Grandinetti v. Arioyoshi*, No. 06-cv-00146-JMS-LK (D. Haw.); *Grandinetti v. Bent*, No. 06-cv-00147-DAE-LK (D. Haw.); *Grandinetti v. FDC Branch Staff*, No. 07-cv-00053-DAE-KSC (D. Haw.); *Grandinetti v. Honolulu Int'l Airport Officials*, No. 07-cv-00082-JMS-KSC (D. Haw.); *Grandinetti v. Frank*, No. 07-cv-00488-SOM-KSC (D. Haw.); *Grandinetti v. Moga-Riveira*, No. 12-cv-00397-SOM-KSC (D. Haw.); *Grandinetti v. Sakai*, No. 12-cv-00432-HG-RLP (D. Haw.).

<sup>3</sup> *See, e.g., Grandinetti v. Redwood Toxicology Lab*, No. 15-cv-00059-LEK-KSC (D. Haw.); *Grandinetti v. Martinez*, No. 15-cv-00081-SOM-KSC (D. Haw.); *Grandinetti v. Olsen*, 15-cv-00082-LEK-RLP (D. Haw.); *Grandinetti v. Judiciary of Hawaii*, No. 15-cv-00089-JMS-RLP (D. Haw.); *Grandinetti v. Taylor*, No. 15-cv-00294-JMS-KSC (D. Haw.); *Grandinetti v. Humane Restraint Co.*, No. 15-cv-00456-LEK-BMK (D. Haw.); *Grandinetti v. Matsuoka*, No. 16-cv-00419-LEK-RLP (D. Haw.); *Grandinetti v. Stampfle*, No. 16-cv-00436-JMS-RLP (D. Haw.); *Grandinetti v. Alexander*, No. 16-cv-00480-LEK-KSC (D. Haw.); *Grandinetti v. Sells*, No. 16-cv-00517-DKW-RLP (D. Haw.); *Grandinetti v. Jinbo*, No. 16-cv-00674-LEK-KSC (D. Haw.); *Grandinetti v. Espinda*, No. 17-cv-00004-JMS-RLP (D. Haw.); *Grandinetti v. Mun*, No. 17-cv-00215-DKW-KJM (D. Haw.); *Grandinetti v. Honolulu Police Dep't*, No. 17-cv-0029-DKW-KJM (D. Haw.); *Grandinetti v. Urine Drug Test*, No. 17-cv-00418-LEK-KSC (D. Haw.); *Grandinetti v. Hawaii*, No. 17-cv-00505-DKW-KJM (D. Haw.); *Grandinetti v. Agaron-Payne Auditors*, No. 17-cv-00591-JMS-KJM (D. Haw.); *Grandinetti v. Heggman*, No. 18-cv-00111-

Grandinetti again fails to show that he was in imminent danger of serious physical injury when he filed this Complaint. *See* ECF No. 1 at PageID ## 1–3.

Although Grandinetti alleges that he suffered a broken right thumb, a “torn left

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HG-RLP (D. Haw.); *Grandinetti v. Espinda*, No. 18-cv-00208-JMS-KJM (D. Haw.); *Grandinetti v. Liaux*, No. 18-cv-00289-JMS-RLP (D. Haw.); *Grandinetti v. Hawaii*, No. 18-cv-00374-LEK-KJM (D. Haw.); *Grandinetti v. Hegmann*, No. 18-cv-00396-DKW-RLP (D. Haw.); *Grandinetti v. Hamidi*, No. 18-cv-00483-JAO-KJM (D. Haw.); *Grandinetti v. Mee*, No. 19-cv-00187-LEK-KJM (D. Haw.); *Grandinetti v. Office of the Pub. Def.*, No. 19-cv-00205-LEK-RT (D. Haw.); *Grandinetti v. Pule*, No. 19-cv-00208-DKW-RT (D. Haw.); *Grandinetti v. Zollinger*, No. 19-cv-00242-JMS-RT (D. Haw.); *Grandinetti v. Ige*, No. 19-cv-00278-DKW-RT (D. Haw.); *Grandinetti v. Corr. Corp. of Am. (CCA)*, No. 19-cv-00291-JAO-KJM (D. Haw.); *Grandinetti v. Mun*, No. 19-cv-00305-LEK-RT (D. Haw.); *Grandinetti v. Thomas*, No. 19-cv-00312-JAP-KJM (D. Haw.); *Grandinetti v. Trump*, No. 19-cv-00341-JAO-WRP (D. Haw.); *Grandinetti v. Thomas*, No. 19-cv-00360-LEK-KJM (D. Haw.); *Grandinetti v. Circuit Court of the Third Circuit*, No. 19-cv-00384-JAO-KJM (D. Haw.); *Grandinetti v. Oshiro*, No. 19-cv-00409-JMS-KJM (D. Haw.); *Grandinetti v. Espinda*, No. 19-cv-00419-HG-KJM (D. Haw.); *Grandinetti v. Loza*, No. 19-cv-00526-LMS-WRP (D. Haw.); *Grandinetti v. CoreCivic*, No. 19-cv-00556-JAO-KJM (D. Haw.); *Grandinetti v. Haw. Paroling Auth. (HPA)*, No. 19-cv-00559-SOM-KJM (D. Haw.); *Grandinetti v. Agaran*, No. 19-cv-00568-LEK-KJM (D. Haw.); *Grandinetti v. Barajas*, No. 19-cv-00569-JAO-KJM (D. Haw.); *Grandinetti v. Mee*, No. 19-cv-00591-HG-WRP (D. Haw.); *Grandinetti v. Macadamia*, No. 19-cv-00605-JAO-WRP (D. Haw.); *Grandinetti v. Saguaro Corr. Ctr.*, No. 19-cv-00607-JMS-KJM (D. Haw.); *Grandinetti v. Off. of Disciplinary Counsel*, No. 19-cv-00626-DKW-RT (D. Haw.); *Grandinetti v. Roth*, No. 19-cv-00634-DKW-RT (D. Haw.); *Grandinetti v. Bradley*, No. 19-cv-00684-LEK-WRP (D. Haw.); *Grandinetti v. Governors of Hawaii*, No. 19-cv-00685-LEK-WRP (D. Haw.); *Grandinetti v. Anderson*, No. 20-cv-00014-DKW-KJM (D. Haw.); *Grandinetti v. Hegmann*, No. 20-cv-00017-DKW-RT (D. Haw.); *Grandinetti v. Valenzuela*, No. 20-cv-00042-JMS-RT (D. Haw.); *Grandinetti v. Mun*, No. 20-cv-00055-HG-RT (D. Haw.); *Grandinetti v. Frink*, No. 20-cv-00068-DKW-RT (D. Haw.); *Grandinetti v. Ioane*, No. 20-cv-00086-JMS-WRP (D. Haw.); *Grandinetti v. Espinda*, No. 20-cv-00088-JMS-WRP (D. Haw.); *Grandinetti v. Mee*, No. 20-cv-00110-LEK-RT (D. Haw.); *Grandinetti v. Sebastian*, No. 20-cv-00109-SOM-KJM (D. Haw.); *Grandinetti v. CoreCivic*, No. 20-cv-00155-JMS-RT (D. Haw.); *Grandinetti v. Robertson*, No. 20-cv-00180-JAO-KJM (D. Haw.); *Grandinetti v. Rodby*, No. 20-cv-00190-DKW-WRP (D. Haw.); *Grandinetti v. Hawaii*, No. 20-cv-00253-SOM-RT (D. Haw.); *Grandinetti v. Off. of Pub. Def.*, No. 20-cv-00276-JAO-WRP (D. Haw.); *Grandinetti v. Inst. Grievance Officers*, DPS-HI, No. 20-cv-00332-JAO-KJM (D. Haw.); *Grandinetti v. Nale*, No. 20-cv-00344-JAO-RT (D. Haw.); *Grandinetti v. Komori*, No. 20-cv-00346-DKW-WRP (D. Haw.); *Grandinetti v. Barajas*, No. 20-cv-00347-LEK-RT (D. Haw.); *Grandinetti v. Harrington*, No. 20-cv-00408-LEK-RT (D. Haw.); *Grandinetti v. Ruiz*, No. 20-cv-00469-DKW-RT (D. Haw.); *Grandinetti v. Feldt*, No. 20-cv-00467-SOM-KJM (D. Haw.); *Grandinetti v. HMSF Intake/Screening Physician*, No. 20-cv-00471-LEK-WRP (D. Haw.).

shoulder,” an “unsewn groin rupture,” and “blindness,” ECF No. 1 at PageID # 3, he does not say when he suffered these injuries or how they might affect him now. *See id.*; *Young v. Peterson*, 548 F. App’x 479, 480 (9th Cir. 2013) (“[Plaintiff] failed to allege sufficient facts to show that he was under an imminent danger of serious physical injury when he lodged his complaint.”). Grandinetti fails, therefore, to show that he faced imminent danger of serious physical harm when he filed his Complaint. *See Reberger v. Baker*, 657 F. App’x 681, 684 (9th Cir. 2016) (“[Plaintiff’s] allegations . . . are too vague and speculative to invoke the exception to the three-strikes rule.”).

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The Court construes Grandinetti's filing of this action without paying the civil filing fee as an informal request to proceed in forma pauperis. So construed, the request is DENIED, and this action is DISMISSED without prejudice. This does not prevent Grandinetti from raising his claims in a new action with concurrent payment of the civil filing fee. The Clerk is DIRECTED to terminate this case. The Court will take no action on documents filed herein beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, December 2, 2020.



/s/ Leslie E. Kobayashi  
Leslie E. Kobayashi  
United States District Judge

**FRANCIS GRANDINETTI VS. MR. GARY B. KAPLAN, ET AL; CV 20-00522 LEK-RT; DISMISSAL ORDER**